

ORDINANCE 122397

AN ORDINANCE relating to Housing and Building Maintenance Code enforcement, amending Sections 22.202.050, 22.206.160, 22.206.200, 22.206.220, 22.206.230, 22.206.280, 22.206.290, 22.208.030, 22.208.050, 22.208.150, 22.208.160 adding new Sections 22.206.235, 22.206.315, and repealing Sections 22.206.300, 22.206.310 and Ch. 22.207 of the Seattle Municipal Code.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subsection F of Section 22.202.050 of the Seattle Municipal Code, which section was last amended by Ordinance 121076, is amended as follows:

22.202.050 Housing and Abatement Accounting Unit.

* * *

F. Fines and penalties collected pursuant to subsections A, B, D, E, F, and G of ((SMC)) Section 22.206.280 ((, SMC Chapter 22.207)) and ((SMC)) Section 22.208.150.

Section 2. Subsection A of Section 22.206.160 of the Seattle Municipal Code, which section was last amended by Ordinance 121408, is amended as follows:

22.206.160 Duties of owners.

A. It shall be the duty of all owners, regardless of any lease provision or other agreement that purports to transfer the owner's responsibilities hereunder to an operator, manager or tenant, to:

1. Remove all garbage, rubbish and other debris from the premises;
2. Secure any building which became vacant against unauthorized entry as required by Section 22.206.200 of this Code;

3. Exterminate insects, rodents and other pests which are a menace to public health, safety or welfare. Compliance with the Director's Rule governing the extermination of pests shall be deemed compliance with this subsection 3;

4. Remove from the building or the premises any article, substance or material imminently hazardous to the health, safety or general welfare of the occupants or the public, or which may substantially contribute to or cause deterioration of the building to such an extent that it may become a threat to the health, safety or general welfare of the occupants or the public;

5. Remove vegetation and debris as required by ((SMC)) Section 10.52.030;

6. Lock or remove all doors and/or lids on furniture used for storage, appliances, and furnaces which are located outside an enclosed, locked building or structure;

7. Maintain the building and equipment in compliance with the minimum standards specified in Sections 22.206.010 through 22.206.140 and in a safe condition, except for maintenance duties specifically imposed in Section 22.206.170 on the tenant of the building; provided that this subsection 7 shall not apply to owner-occupied dwelling units in which no rooms are rented to others;

8. Affix and maintain the street number to the building in a conspicuous place over or near the principal street entrance or entrances or in some other conspicuous place. This provision shall not be construed to require numbers on either appurtenant buildings or other buildings or structures where the Director finds that the numbering is not appropriate. Numbers shall be easily legible, in contrast with the surface upon which they are placed. Figures shall be no less than two (2) inches high;

9. Maintain the building in compliance with the requirements of ~~((Section 104(d)))~~ Section 3402.1 of the Seattle Building Code;

10. Comply with any emergency order issued by the Department of Planning and Development; and

11. Furnish tenants with keys for the required locks on their respective housing units and building entrance doors.

* * *

Section 3. Subsection F of Section 22.206.200 of the Seattle Municipal Code, which section was last amended by Ordinance 120087, is amended as follows:

22.206.200 Minimum standards for vacant buildings.

* * *

F. Inspection of Vacant Buildings.

1. When the Director has reason to believe that a building is vacant, the Director may inspect the building and the premises. If the Director identifies a violation of the minimum standards for vacant buildings, a notice of violation ~~((shall))~~ may be issued pursuant to ~~((SMC))~~ Section 22.206.220. Thereafter the premises shall be inspected quarterly to determine whether the building and its accessory structures are vacant and closed to entry in conformance with the standards of this Code.

2. Quarterly inspections shall cease at the earliest of the following:

a. When the building is repaired pursuant to the requirements of this Code and reoccupied;

b. When the building is repaired pursuant to the requirements of this Code and has subsequently been subject to three (3) consecutive quarterly inspections without further violation; or

c. When the building and any accessory structures have been demolished.

3. A building or structure accessory thereto that remains vacant and open to entry after the closure date in a Director's order or notice of violation is found and declared to be a public nuisance. The Director is hereby authorized to summarily close the building to unauthorized entry. The costs of closure shall be collected from the owner in the manner provided by law.

4. Quarterly inspection charges shall be assessed and collected as a fee under the Permit Fee Ordinance (((SMC))) Chapters 22.900A through 22.900G).

Section 4. Subsections A, C, D, G, and J of Section 22.206.220 of the Seattle Municipal Code, which section was last amended by Ordinance 120087, is amended as follows:

22.206.220 Notice of violation.

A. The Director (~~shall~~) is authorized to inspect any building or premises which the Director has reason to believe may not be in compliance with the standards and requirements of (((SMC))) Sections 22.206.010 through 22.206.170, and (((SMC))) Section 22.206.200. If the standards and requirements of (((SMC))) Section 22.206.010 through 22.206.120, Sections 22.206.150 through 22.206.170 or of Section 22.206.200 have not been met, the Director (~~shall serve~~) may issue a notice of violation (~~on~~) to the owner and/or other person responsible for the violation pursuant to this section. The notice of violation shall:

1 1. Identify each violation of the standards and requirements of this Code and the
2 corrective action necessary to bring the building and premises into compliance; and

3 2. Specify a time for compliance.

4 * * *

5 C. ~~((After))~~ If a notice of violation or order has been filed with the King County
6 Department of Records and Elections ~~((pursuant to SMC Section 22.206.220-J))~~, a notice of
7 violation or order for the same violation need not be served upon a new owner. If a new notice
8 of violation is not issued and served upon a new owner, the Director shall grant the new owner
9 the same number of days to comply with the notice of violation as was given the previous owner
10 in the notice of violation. The compliance period shall be the number of days between the date
11 of issuance of the notice of violation and the date for compliance stated in the text of the notice.
12 The compliance period for the new owner shall begin on the date that the conveyance is
13 completed.
14
15

16 D. The notice shall be served upon the owner, tenant or other person responsible for the
17 condition by personal service ~~((, registered mail, or certified mail with return receipt requested,~~
18 ~~at))~~ or by first class mail to the person's last known address. If the address of the responsible
19 person is unknown and cannot be found after a reasonable search, the notice may be served ~~((by~~
20 ~~publishing it once each week for two (2) consecutive weeks in the legal newspaper for the City,~~
21 ~~and by mailing to the person a copy of the notice or order by first class mail to the last known~~
22 ~~address, or if unknown, to the address of the property subject to the notice of violation and))~~ by
23 posting a copy of the notice in a conspicuous place on the property. If a notice of violation is
24 directed to a tenant or other person responsible for the violation who is not the owner, a copy of
25
26
27
28

1 the notice shall be sent to the owner of the property. Nothing in this section shall be deemed to
2 limit or preclude any action or proceeding to enforce this chapter nor does anything in this
3 section obligate the Director to issue a notice of violation prior to initiation of a civil or criminal
4 enforcement action except as otherwise provided in Director's rules adopted pursuant to SMC
5 chapter 22.202.

6 * * *

7
8 G. Nothing herein shall hinder or limit in any manner the Director's authority or ability
9 to bring an action pursuant to ((SMC)) Chapter 22.208 to abate ((a nuisance)) an unfit building or
10 premise or to issue an emergency order pursuant to ((SMC)) Section 22.206.260.

11 * * *

12
13 ~~((J. Unless a request for review by the Director is made in accordance with SMC Section~~
14 ~~22.206.230, a notice of violation shall be the decision of the Director. A copy of the notice of~~
15 ~~violation shall be filed with the King County Department of Records and Elections. The Director~~
16 ~~is not required to file a copy of the notice of violation if the notice is directed only to a tenant or~~
17 ~~tenants.))~~

18
19 Section 5. Subsections A and D of Section 22.206.230 of the Seattle Municipal Code,
20 which section was last amended by Ordinance 120087, is amended as follows:

21 **22.206.230 Review by the Director.**

22
23 A. Any party affected by a notice of violation issued pursuant to ((SMC)) Section
24 22.206.220 may request a review of the notice by the Director. Such a request must be made in
25 writing within ten (10) days after service of the notice. When the last day of the period so
26
27
28

1 computed is a Saturday, Sunday, federal or City holiday, the period shall run until five (5:00)
2 p.m. of the next business day.

3 * * *

4 ~~((D. The Director shall issue a decision within fifteen (15) days after the deadline for~~
5 ~~submittal of additional information. The decision shall be served, posted and filed in the manner~~
6 ~~provided in SMC Section 22.206.220. When the decision affects only a tenant or tenants, the~~
7 ~~Director is not required to file the decision with the King County Department of Records and~~
8 ~~Elections.))~~

9
10 Section 6. A new section 22.206.235 is added to the Seattle Municipal Code as follows:

11 **22.206.235 Order of the Director.**

12
13 A. Where review by the Director has been conducted pursuant to Section 22.206.230, the
14 Director shall issue an order of the Director containing the decision within fifteen (15) days of
15 the date that the review is completed. The decision shall be served and posted in the manner
16 provided by 22.206.220.

17
18 B. Unless a request for review before the Director is made pursuant to Section
19 22.206.230, the notice of violation shall become the order of the Director.

20 C. Because civil actions to enforce Chapter 22.206 are brought in Seattle Municipal Court
21 pursuant to Section 22.206.280, orders of the Director issued under this chapter are not subject to
22 judicial review pursuant to chapter 36.70C RCW.

23
24 Section 7. Subsections A through G of Section 22.206.280 of the Seattle Municipal
25 Code, which section was last amended by Ordinance 121076, is amended as follows:

26 **22.206.280 Civil enforcement proceedings and penalties ((penalty)).**
27
28

1 In addition to any other remedy that may be available at law or equity, the following are
2 available:

3 A. ~~((In addition to any other sanction or remedial procedure that may be available, and~~
4 ~~except))~~ Except for violations of ~~((SMC))~~ Section 22.206.180, any person violating or failing to
5 comply with any requirement of this Code shall be subject to a cumulative civil penalty in ~~((the))~~
6 an amount ~~((of))~~ not to exceed:

7
8 1. ~~((Fifteen Dollars (\$15.00)))~~ One Hundred Fifty Dollars (\$150.00) per day for
9 each housing unit in violation, and One Hundred Fifty Dollars (\$150.00) per day for violations in
10 the common area or on the premises surrounding the building or structure, from the date the
11 violation begins, for the first ten (10) days of noncompliance; and Five Hundred Dollars
12 (\$500.00) per day for each housing unit in violation, and ~~((Fifteen Dollars (\$15.00)))~~ Five
13 Hundred Dollars (\$500.00) per day for violations in the common area or on the premises
14 surrounding the building or structure, ~~((from the date set for compliance))~~ for each day beyond
15 ten (10) days of noncompliance until ~~((the person complies with the requirements of this Code;~~
16 ~~or))~~ compliance is achieved. In cases where the Director has issued a notice of violation, the
17 violation will be deemed to begin, for purposes of determining the number of days of violation,
18 on the date compliance is required by the notice of violation.

19
20
21 ~~((2. Seventy-five Dollars (\$75.00) per day for each building in violation of the~~
22 ~~standards contained in SMC Section 22.206.200, from the date set for compliance until the~~
23 ~~person complies with the requirements of that section.))~~

24
25 2. ~~((3.))~~ One Hundred Dollars (\$100.00) per day from the date a tenant fails to
26 reimburse The City of Seattle for emergency relocation assistance as required by subsection D of
27
28

1 ((SMC)) Section 22.206.265 until the date the relocation assistance is repaid to The City of
2 Seattle.

3 3. ((4-)) One Hundred Dollars (\$100.00) per day for any person who provides
4 false or misleading information to the Director and as a result of the false or misleading
5 information is paid relocation assistance by the City of Seattle for which the person would not
6 otherwise be eligible, from the date the person receives the emergency relocation assistance until
7 the date the relocation assistance is repaid to The City of Seattle.

8
9 B. Any person who does not comply with an emergency order issued by the Director
10 pursuant to this ((SMC)) Chapter 22.206 shall be subject to a cumulative civil penalty ((in the
11 amount)) of up to ((One Hundred Dollars (\$100.00))) One Thousand Dollars (\$1,000.00) per day
12 from the date set for compliance until the Director certifies that the requirements of the
13 emergency order are fully complied with.

14
15 C. Any property owner who fails to deposit relocation assistance as required by
16 subsections F and G of ((SMC)) Section 22.206.260 shall be subject to a cumulative civil penalty
17 of:
18

19 1. For each tenant with a household income during the preceding twelve (12)
20 months at or below fifty (50) percent of the median family income for whom the property owner
21 did not deposit relocation assistance as required by subsection G of ((SMC)) Section 22.206.260:

22 a. Three Thousand Three Hundred Dollars (\$3,300.00), plus

23 b. One Hundred Dollars (\$100.00) per day from the date such deposit by
24 the property owner is required until the date the property owner pays to the
25 City the penalty provided for in subsection C1a; or
26

2. For each tenant with a household income during the preceding twelve (12) months greater than fifty (50) percent of the median family income for whom the property owner did not deposit relocation assistance as required by subsection G of ~~((SMC))~~ Section 22.206.260, One Hundred Dollars (\$100.00) per day from the date such deposit is required until the date on which the relocation assistance required by subsections F and G of ~~((SMC))~~ Section 22.206.260 is deposited with The City of Seattle.

D. ~~((In addition to any other sanction or remedial procedure that may be available, any))~~ Any owner of housing units who violates subsection C6 of ~~((SMC))~~ Section 22.206.160 shall be subject to a civil penalty of not more than Two Thousand Five Hundred Dollars (\$2,500.00).

E. ~~((In addition to any other sanction or remedial procedure that may be available, anyone))~~ Anyone who obstructs, impedes, or interferes with an attempt to inspect a building or premises pursuant to the authority of an inspection warrant issued by any court or an attempt to inspect a housing unit after consent to inspect is given by a tenant of the housing unit shall be subject to a civil penalty of not more than One Thousand Dollars (\$1,000.00).

F. ~~((In addition to any other sanction or remedial procedure that may be available, any))~~ Any person who violates or fails to comply with subsections A5, A6, or A7 of ~~((SMC))~~ Section 22.206.180 shall be subject to a cumulative civil penalty ~~((in an amount not less than One Hundred Dollars (\$100.00) nor more than Three Hundred Dollars (\$300.00)))~~ of up to Five Hundred Dollars (\$500.00) per violation per day. Each day that a separate action or inaction occurs that is a violation of subsections A5, A6 or A7 of ~~((SMC))~~ Section 22.206.180 constitutes a separate violation.

exists.

* * *

amended by Ordinance 120302, is amended as follows:

22.206.290 Alternative ((Criminal penalties)) criminal penalty.

misdemeanor subject to the provisions of Chapter 12A.02 and 12A.04, except that absolute

1 liability shall be imposed for ~~((a violation of Sections 22.206.180 A1, 22.206.180 A2,~~
2 ~~22.206.180 A3, 22.206.180 A4, or of Sections 22.206.190 A or 22.206.190 B of the Seattle~~
3 ~~Municipal Code,))~~ such a violation or failure to comply, and none of the mental states described
4 in Section 12A.04.030 need be proved. The Director may request that the City Attorney
5 prosecute such violations criminally as an alternative to the civil procedure outlined in this
6 chapter.

7
8 ~~((No person other than he or she who commits the act will be found guilty without a~~
9 ~~finding in accord with SMC Section 12A.04.130 B1 or SMC Section 12A.04.130 B3. Violators~~
10 ~~shall, upon conviction:~~

11
12 ~~1. Be fined in a sum not exceeding Five Thousand Dollars (\$5,000); and/or~~

13 ~~2. Be imprisoned for a term not exceeding one (1) year.~~

14 ~~B. A fine not to exceed One Thousand Dollars (\$1,000.00) per violation and/or a term of~~
15 ~~imprisonment not exceeding thirty (30) days may be imposed:~~

16
17 ~~1. For violations of Section 22.206.210;~~

18 ~~2. For violations of Section 22.206.260, where the person charged has had a civil~~
19 ~~judgment under Section 22.206.280 or any of its predecessors rendered against him or her during~~
20 ~~the past five (5) years;~~

21 ~~3. For any pattern of willful, intentional, or bad faith failure or refusal to comply with the~~
22 ~~standards or requirements of this Code.~~

23
24 ~~C.))~~ Each day a violation of this title continues and each occurrence of a prohibited
25 activity shall be deemed and considered a separate offense.

26 Section 9. A new section 22.206.315 is added to the Seattle Municipal Code as follows:
27
28

22.206.315 Appeal to Superior Court.

Final decisions of the Seattle Municipal Court on enforcement actions authorized by this chapter may be appealed pursuant to the Rules for Appeal of Decisions of Courts of Limited Jurisdiction.

Section 10. Subsections A and C of Section 22.208.030 of the Seattle Municipal Code, which section was last amended by Ordinance 117861, is amended as follows:

22.208.030 Investigation, notice and hearing.

A. The Director may investigate any building or premises which the director believes to be unfit for human habitation or other use. If the investigation reveals conditions that make the building or premises unfit for human habitation or other use, the Director shall:

1. Issue a complaint stating the conditions that make the building or premises unfit for human habitation or other use; and

2. Serve the complaint by personal service(~~(, registered mail,)~~) or certified mail with return receipt requested, upon all persons who appear on a litigation guarantee from a licensed title insurance company as having any ownership interest in the building or premises; and

3. Post the complaint in a place on the property conspicuous to persons entering the structure and if practical conspicuous from an abutting public right-of-way.

* * *

C. If the address of the persons appearing on the litigation guarantee identified in ~~((subparagraph))~~ subsection A cannot be ascertained by the Director after a reasonable search, then the Director shall make affidavit to that effect, and the complaint shall be served either by

1 personal service or by mailing a copy of the complaint by first class mail and certified mail,
2 postage prepaid, return receipt requested, to the address appearing on the last equalized tax
3 assessment roll of the County Assessor and to any other address known to the County Assessor.
4 A copy of the complaint shall also be mailed to each person whose address cannot be ascertained,
5 to the address of the building or premises involved in the proceedings. In addition to serving and
6 posting the complaint, the Director shall mail or cause to be delivered to all housing and
7 commercial rental units in the building or on the premises a copy of the complaint.
8

9 * * *

10 Section 11. Subsection G of Section 22.208.050 of the Seattle Municipal Code, which
11 section was last amended by Ordinance 117861, is amended as follows:
12

13 **22.208.050 Appeal from order of Director.**

14 * * *

15 G. Within fourteen (14) days after the hearing the Hearing Examiner shall issue a written
16 decision containing findings of fact and conclusions and shall mail copies of the decision to the
17 parties of record. The decision of the Hearing Examiner shall be the final decision of the City
18 and shall have the same effect as a decision of the Director issued pursuant to Section
19 ((22.206.230)) 22.206.235. The decision and order of the Hearing Examiner shall be filed by the
20 Director with the King County Department of Records and Elections.
21

22 Section 12. Subsections A, B, and C of Section 22.208.150 of the Seattle Municipal
23 Code, which section was last amended by Ordinance 117861, is amended as follows:
24

25 **22.208.150 Civil enforcement proceedings and penalties.**
26
27
28

1 A. In addition to any other remedy authorized by law or equity, ((Any)) any person failing
2 to comply with an order issued by the Director or Hearing Examiner pursuant to this Chapter
3 shall be subject to a cumulative civil penalty in an amount not to exceed Five Hundred Dollars
4 (\$500) per day from the date set for compliance until the owner or a responsible party requests a
5 reinspection and the Director verifies following reinspection that the property is in compliance.

7 B. Any person violating Section 22.208.130 shall be subject to a civil penalty in the
8 amount of Five Hundred Dollars (\$500).

9 C. The Director shall ~~((notify))~~ request in writing that the City Attorney take enforcement
10 action.((in writing of the name of any person subject to a penalty.)) The City Attorney shall, with
11 assistance of the Director, take appropriate enforcement action. ~~((to collect the penalty.))~~

13 * * *

14 Section 13. Section 22.208.160 of the Seattle Municipal Code, which was last amended
15 by Ordinance 117861, is amended as follows:

16 **22.208.160 Alternative ((Criminal penalties)) criminal penalty.**

17 A. ~~((Anyone))~~ Any person who violates or fails to comply with any of the requirements of
18 this Chapter 22.208 and who has had an Order of Judgment entered against them by a court of
19 competent jurisdiction for violating Titles 22 or 23 within the past seven (7) years from the date
20 the criminal charge is filed ((and who within the previous five (5) years has had a civil penalty
21 assessed against him or her pursuant to Section 22.208.150 of this Code shall, upon conviction,
22 be fined a sum not exceeding Five Thousand Dollars (\$5,000) or imprisoned for a term not
23 exceeding one (1) year, or both. Each day that anyone violates or fails to comply with any of the
24 foregoing provisions shall be a separate offense.

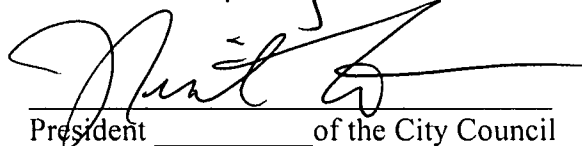
1 ~~B. A fine, not exceeding Five Thousand Dollars (\$5,000) per violation and/or a term of~~
2 ~~imprisonment not exceeding one (1) year may be imposed for any willful, intentional, or bad~~
3 ~~faith failure or refusal to comply with the standards or requirements of this chapter.))~~ shall upon
4 conviction be guilty of a gross misdemeanor subject to the provisions of Chapter 12A.02 and
5 12A.04, except that absolute liability shall be imposed for such a violation or failure to comply
6 and none of the mental states described in Section 12A.04.030 need be proved. The Director
7 may request that the City Attorney prosecute such violations criminally as an alternative to the
8 civil procedure outlined in this chapter. Each day a violation of this title continues and each
9 occurrence of a prohibited activity shall be deemed and considered a separate offense.
10

11 Section 14. Sections 22.206.300 and 22.206.310 of the Seattle Municipal Code, which
12 were adopted by Ordinance 113545, are repealed in their entirety.

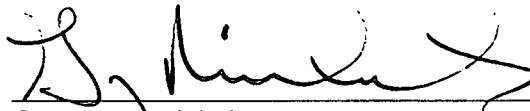
13 Section 15. Chapter 22.207 of the Seattle Municipal Code, which chapter was adopted by
14 Ordinance 119509, is repealed in its entirety.

15 Section 16. This ordinance shall take effect and be in force thirty (30) days from and
16 after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10)
17 days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.
18
19

20
21 Passed by the City Council the 14th day of May, 2007, and signed by me in open
22 session in authentication of its passage this 14th day of May, 2007.
23


24 
25 President _____ of the City Council

26 Approved by me this 23rd day of May, 2007.
27
28



Gregory J. Nickels, Mayor

Filed by me this 23 day of May, 2007.



City Clerk

(Seal)

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Department of Planning and Development	Darby DuComb, 684-3781	Amanda Allen, 684-8894

Legislation Title: An ordinance relating to enforcement codes concerning habitable buildings, amending Sections 22.202.050, 22.206.160, 22.206.200, 22.206.220, 22.206.230, 22.206.280, 22.206.290, 22.208.030, 22.208.050, 22.208.150, 22.208.160 adding new Sections 22.206.235, 22.206.315, and repealing Sections 22.206.300, 22.206.310 and Ch. 22.207 of the Seattle Municipal Code.

Summary of the Legislation: This legislation authorizes administrative changes to the Housing and Building Maintenance Code (HBMC) to improve efficiencies, and increases the maximum fine that can be assessed for Code violations from \$15 per day to up to \$150 and then \$500 per day after 10 days of noncompliance, and from \$100 to \$1,000 per day for emergency orders. It is one of three companion Bills intended to strengthen and align the Department of Planning and Development's (DPD's) Housing and Building Maintenance, Land Use, and Weeds and Vegetation Codes.

Background: The Housing and Building Maintenance Code requires the Department of Planning and Development (DPD) to record every Notice of Violation (NOV) it issues with the King County Recorder's Office at a cost of \$32 for the first page and \$1 for each subsequent page. The existing Code also requires that DPD notify responsible parties by certified mail at a cost of \$4.25 plus postage. In 2006, DPD responded to 791 HBMC service requests, which resulted in 615 cases and 212 HBMC NOV's (almost a 30 % increase from the prior year). Greater efficiency will be achieved by removing the requirement to record every NOV with the County and notify violators by certified mail.

In addition to the administrative changes noted above, the legislation converts two categories of violations back to the notice of violation process. In 2006, DPD opened 54 HBMC citation cases, and nearly all of them were resolved along with other HBMC NOV violations. Only 2 cases resulted in a citation being issued separate from the NOV. This proposed bill will save on administrative processes, cost, and confusion while having no net effect on DPD or Law Department resources.

X_ This legislation has nominal financial implications. In addition, actual cost savings resulting from the administrative changes and increased maximum fine authorized by this legislation are projected to be nominal based on the small number of projected higher fines. Penalties will be deposited into the general fund, with 10 percent allocated to Parks. City of Seattle Charter, Article VIII, Section 15, and Article XI, Section 3.

Attachment A: Director's Report and Recommendation

DIRECTOR'S REPORT AND RECOMMENDATION

Enforcement Ordinances

Introduction

The Department of Planning and Development (DPD) is proposing amendments to three of its enforcement codes:

1. Housing and Building Maintenance Code (HBMC);
2. Land Use Code;
3. Weeds and Vegetation Code.

These three bills are part of a coordinated effort to strengthen and improve DPD's Housing and Building Maintenance, Land Use, and Weeds and Vegetation enforcement and align them with other Seattle codes. Housing and Building Maintenance, Land Use, and Weeds and Vegetation enforcement is a vital service that helps protect the health and safety of Seattle's residents. The demand for this service is increasing as reflected in DPD's ever-growing caseloads. These reforms will bring efficiency to the process of gaining compliance with the City's regulations. In addition, these bills give DPD the option to obtain higher penalties, which are intended to be a more effective deterrent in DPD's more challenging cases.

Background

DPD's Code Compliance Division enforces a number of different Seattle codes: housing and building maintenance, land use (including shoreline and landmarks), weeds and vegetation, environmentally critical areas, tree protection, building, stormwater, grading and drainage control, and side sewer. Of the approximately 10,000 calls DPD receives annually, about 2,700 are complaints (service requests) about rental housing conditions, vacant buildings, land use violations, and vegetation overgrowth. When DPD verifies that a violation exists, it creates a case to track its actions and the outcome, and to notify the responsible party of the issue and needed resolution. DPD often allows an opportunity for informal compliance through the use of warnings, however, if DPD does not obtain prompt voluntary compliance, a Notice of Violation (NOV) or a citation is issued, depending on the specific violation. If the violation remains uncorrected, DPD ultimately initiates legal action to compel compliance. For 2005 and 2006 DPD observed:



2005 Enforcement Statistics				
Type	Service Requests	Cases	NOVs/Citations	Law Referrals
HBMC	605	498	166/4	30
Land Use	1359	1004	169/127	22
Weeds	936	592	63	1

2006 Enforcement Statistics				
Type	Service Requests	Cases	NOVs/Citations	Law Referrals
HBMC	791	615	212/4	36
Land Use	1563	1132	246/109	63
Weeds	922	693	36	3

The increase in HBMC and Land Use service requests (up 30% and 10% respectively) and NOVs (up 30% and 50% respectively) was quite significant for 2006.

Currently, several specific procedural code requirements create barriers to effective enforcement action. For example, DPD is required to record every Notice of Violation (NOV) with the King County Recorder's Office (current cost is \$32 for the first page and \$1 for each subsequent page) and mail all NOVs by certified mail to each responsible party (current cost is \$4.25 an NOV, in addition to regular postage). The current process does not allow DPD to include additional violations in lawsuits against a single property owner when more violations are discovered at a later time.

These enforcement models were discontinued years ago in DPD's building code and similarly are no longer used by the Seattle Fire Department or Seattle Department of Transportation. Instead, those codes rely on the use of first-class mail, do not require that all notices be recorded, and provide for a strict liability alternative criminal provision. DPD seeks to strengthen and improve its Housing and Building Maintenance, Land Use, and Weeds and Vegetation codes by aligning them with other Seattle codes and increasing the penalties to provide more alternatives and greater deterrence in DPD's most challenging enforcement cases.

Analysis and Recommendations

Housing and Building Maintenance Code

The Housing and Building Maintenance Code sets minimum standards for Seattle's rental housing and vacant buildings. Historically, the Housing and Building Maintenance Code was enforced entirely by an NOV process, but in 1999, the City removed two violation categories (Minimum Fire and Safety Standards (SMC 22.206.130) and Minimum Security Standards (SMC 22.206.140)) out of the NOV process and created a citation procedure for those two distinct categories of violations.



During these past several years DPD has observed that the two different processes have resulted in much confusion and a somewhat less effective enforcement process. Invariably, whenever DPD observes a violation of the Minimum Fire and Safety Standards or Minimum Security Standards, DPD also observes violations of other provisions of the Housing and Building Maintenance Code. Thus, both an NOV and a citation are often required for a single housing unit or structure. This results in a duplication of effort and confuses the property owners who receive two different notices.

In 2006, DPD responded to 791 HBMC service requests, which resulted in 615 cases and 212 NOVs (up almost 30% from the prior year). The administrative work is doubled and private property owners become confused when they receive two different notices with two different response requirements and enforcement processes. And, these administrative and financial resources are better spent on other activities that support DPD's Code Compliance Program. As for penalties, the \$15 a day cumulative civil penalty was enacted in 1987, an increase from the previous \$3 enacted in 1978. With average monthly rents now exceeding \$1,000 a month, the \$15 a day penalty offers little incentive to comply. Therefore, it is appropriate to amend the penalty provision of the Housing and Building Maintenance Code, which has not been changed in 20 years.

The proposed Council Bill re-establishes the NOV process for all HBMC violations. It maintains individual notice of the NOV by using first-class mail instead of a certified mail requirement and makes optional whether DPD records the NOVs with the King County Recorder's Office. It also increases the options available to DPD and provides for more effective deterrence in its more challenging cases by increasing the cumulative civil penalty for violations of the Housing and Building Maintenance Code from \$15 per unit a day to "up to \$500" per unit a day (\$1000 per day for emergency order violations), and toughens the criminal penalties. This would bring the HBMC in alignment with other Seattle enforcement processes.

Land Use Code

The Land Use Code regulates the use of property and sets minimum development standards for Seattle property. In 2006, DPD responded to 1563 Land Use service requests, which resulted in 1132 cases and 246 Land Use NOVs (almost a 50 % increase from the prior year). This proposed bill streamlines and simplifies the processing of NOVs by allowing the use of first-class mail for service of the NOV, making the recording of NOVs with King County optional, and allowing DPD to consolidate multiple violations against a single property owner into a single action as additional violations are discovered. It also increases the options available to DPD and provides for more effective deterrence in its more challenging cases by increasing the cumulative civil penalty from \$75 per day to "up to \$500" per day, and creating a strict liability alternative criminal provision.



Weeds and Vegetation Code

The Weeds and Vegetation Code prevents private vegetation from encroaching on the public right-of-way. Historically, the Weeds and Vegetation Code was enforced by the King County Public Health Department, but several years ago responsibility for the enforcement of this code was transferred to DPD. The Seattle Department of Transportation regulates vegetation originating in the public right-of-way. Today, DPD responds to about 1,000 service requests a year, which results in about 700 cases, 40 NOVs, and 1-3 Law Department referrals. This proposed bill proposes a change in use of existing processes by implementing a citation process for these violations with a penalty of \$150 for the first violation, \$500 for a second violation, and a summary abatement procedure for continued noncompliance encroaching in the public-right-of-way.

Recommendations

The Director recommends approving the proposed Housing and Building Maintenance, Land Use, and Weeds and Vegetation Code amendments. This is a vital service that helps protect the health and safety of Seattle's residents, and the demand for this service is increasing. These reforms will bring efficiency to the process of gaining compliance with the City's regulations. In addition, this bill gives DPD the option to obtain higher penalties that are intended to be a more effective deterrent in DPD's more challenging cases. Adopting these proposals will help DPD to more strategically allocate its enforcement resources to the benefit of all of Seattle.



ORDINANCE

AN ORDINANCE relating to Housing and Building Maintenance Code enforcement, amending Sections 22.202.050, 22.206.160, 22.206.200, 22.206.220, 22.206.230, 22.206.280, 22.206.290, 22.208.030, 22.208.050, 22.208.150, 22.208.160 adding new Sections 22.206.235, 22.206.315, and repealing Sections 22.206.300, 22.206.310 and Ch. 22.207 of the Seattle Municipal Code.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subsection F of Section 22.202.050 of the Seattle Municipal Code, which section was last amended by Ordinance 121076, is amended as follows:

22.202.050 Housing and Abatement Accounting Unit.

* * *

F. Fines and penalties collected pursuant to subsections A, B, D, E, F, and G of ((SMC)) Section 22.206.280 ((, SMC Chapter 22.207)) and ((SMC)) Section 22.208.150.

Section 2. Subsection A of Section 22.206.160 of the Seattle Municipal Code, which section was last amended by Ordinance 121408, is amended as follows:

22.206.160 Duties of owners.

A. It shall be the duty of all owners, regardless of any lease provision or other agreement that purports to transfer the owner's responsibilities hereunder to an operator, manager or tenant, to:

1. Remove all garbage, rubbish and other debris from the premises;
2. Secure any building which became vacant against unauthorized entry as required by Section 22.206.200 of this Code;

1 3. Exterminate insects, rodents and other pests which are a menace to public
2 health, safety or welfare. Compliance with the Director's Rule governing the extermination of
3 pests shall be deemed compliance with this subsection 3;

4 4. Remove from the building or the premises any article, substance or material
5 imminently hazardous to the health, safety or general welfare of the occupants or the public, or
6 which may substantially contribute to or cause deterioration of the building to such an extent that
7 it may become a threat to the health, safety or general welfare of the occupants or the public;

8 5. Remove vegetation and debris as required by ((SMC)) Section 10.52.030;

9 6. Lock or remove all doors and/or lids on furniture used for storage, appliances,
10 and furnaces which are located outside an enclosed, locked building or structure;

11 7. Maintain the building and equipment in compliance with the minimum
12 standards specified in Sections 22.206.010 through 22.206.140 and in a safe condition, except for
13 maintenance duties specifically imposed in Section 22.206.170 on the tenant of the building;
14 provided that this subsection 7 shall not apply to owner-occupied dwelling units in which no
15 rooms are rented to others;

16 8. Affix and maintain the street number to the building in a conspicuous place
17 over or near the principal street entrance or entrances or in some other conspicuous place. This
18 provision shall not be construed to require numbers on either appurtenant buildings or other
19 buildings or structures where the Director finds that the numbering is not appropriate. Numbers
20 shall be easily legible, in contrast with the surface upon which they are placed. Figures shall be
21 no less than two (2) inches high;

1 9. Maintain the building in compliance with the requirements of ((Section
2 104(d))) Section 3402.1 of the Seattle Building Code;

3 10. Comply with any emergency order issued by the Department of Planning and
4 Development; and

5 11. Furnish tenants with keys for the required locks on their respective housing
6 units and building entrance doors.
7

8 * * *

9 Section 3. Subsection F of Section 22.206.200 of the Seattle Municipal Code, which
10 section was last amended by Ordinance 120087, is amended as follows:

11 **22.206.200 Minimum standards for vacant buildings.**
12

13 * * *

14 F. Inspection of Vacant Buildings.

15 1. When the Director has reason to believe that a building is vacant, the
16 Director may inspect the building and the premises. If the Director identifies a violation of the
17 minimum standards for vacant buildings, a notice of violation ((shall)) may be issued pursuant to
18 ((SMC)) Section 22.206.220. Thereafter the premises shall be inspected quarterly to determine
19 whether the building and its accessory structures are vacant and closed to entry in conformance
20 with the standards of this Code.
21

22 2. Quarterly inspections shall cease at the earliest of the following:
23

24 a. When the building is repaired pursuant to the requirements of this
25 Code and reoccupied;
26
27
28

b. When the building is repaired pursuant to the requirements of this Code and has subsequently been subject to three (3) consecutive quarterly inspections without further violation; or

c. When the building and any accessory structures have been demolished.

3. A building or structure accessory thereto that remains vacant and open to entry after the closure date in a Director's order or notice of violation is found and declared to be a public nuisance. The Director is hereby authorized to summarily close the building to unauthorized entry. The costs of closure shall be collected from the owner in the manner provided by law.

4. Quarterly inspection charges shall be assessed and collected as a fee under the Permit Fee Ordinance (((SMC))) Chapters 22.900A through 22.900G).

Section 4. Subsections A, C, D, G, and J of Section 22.206.220 of the Seattle Municipal Code, which section was last amended by Ordinance 120087, is amended as follows:

22.206.220 Notice of violation.

A. The Director ~~((shall))~~ is authorized to inspect any building or premises which the Director has reason to believe may not be in compliance with the standards and requirements of (((SMC))) Sections 22.206.010 through 22.206.170, and (((SMC))) Section 22.206.200. If the standards and requirements of (((SMC))) Section 22.206.010 through 22.206.120, Sections 22.206.150 through 22.206.170 or of Section 22.206.200 have not been met, the Director ~~((shall serve))~~ may issue a notice of violation ~~((on))~~ to the owner and/or other person responsible for the violation pursuant to this section. The notice of violation shall:

1 1. Identify each violation of the standards and requirements of this Code and the
2 corrective action necessary to bring the building and premises into compliance; and

3 2. Specify a time for compliance.

4 * * *

5 C. ~~((After))~~ If a notice of violation or order has been filed with the King County
6 Department of Records and Elections ~~((pursuant to SMC Section 22.206.220 J))~~, a notice of
7 violation or order for the same violation need not be served upon a new owner. If a new notice
8 of violation is not issued and served upon a new owner, the Director shall grant the new owner
9 the same number of days to comply with the notice of violation as was given the previous owner
10 in the notice of violation. The compliance period shall be the number of days between the date
11 of issuance of the notice of violation and the date for compliance stated in the text of the notice.
12 The compliance period for the new owner shall begin on the date that the conveyance is
13 completed.
14

15
16 D. The notice shall be served upon the owner, tenant or other person responsible for the
17 condition by personal service ~~((, registered mail, or certified mail with return receipt requested,~~
18 ~~at))~~ or by first class mail to the person's last known address. If the address of the responsible
19 person is unknown and cannot be found after a reasonable search, the notice may be served ~~((by~~
20 ~~publishing it once each week for two (2) consecutive weeks in the legal newspaper for the City,~~
21 ~~and by mailing to the person a copy of the notice or order by first class mail to the last known~~
22 ~~address, or if unknown, to the address of the property subject to the notice of violation and))~~ by
23 posting a copy of the notice in a conspicuous place on the property. If a notice of violation is
24 directed to a tenant or other person responsible for the violation who is not the owner, a copy of
25
26
27
28

1 the notice shall be sent to the owner of the property. Nothing in this section shall be deemed to
2 limit or preclude any action or proceeding to enforce this chapter nor does anything in this
3 section obligate the Director to issue a notice of violation prior to initiation of a civil or criminal
4 enforcement action except as otherwise provided in Director's rules adopted pursuant to SMC
5 chapter 22.202.

6 * * *

7
8 G. Nothing herein shall hinder or limit in any manner the Director's authority or ability
9 to bring an action pursuant to ((SMC)) Chapter 22.208 to abate ((a nuisance)) an unfit building or
10 premise or to issue an emergency order pursuant to ((SMC)) Section 22.206.260.

11 * * *

12
13 ~~((J. Unless a request for review by the Director is made in accordance with SMC Section~~
14 ~~22.206.230, a notice of violation shall be the decision of the Director. A copy of the notice of~~
15 ~~violation shall be filed with the King County Department of Records and Elections. The Director~~
16 ~~is not required to file a copy of the notice of violation if the notice is directed only to a tenant or~~
17 ~~tenants.))~~

18
19 Section 5. Subsections A and D of Section 22.206.230 of the Seattle Municipal Code,
20 which section was last amended by Ordinance 120087, is amended as follows:

21 **22.206.230 Review by the Director.**

22
23 A. Any party affected by a notice of violation issued pursuant to ((SMC)) Section
24 22.206.220 may request a review of the notice by the Director. Such a request must be made in
25 writing within ten (10) days after service of the notice. When the last day of the period so
26
27
28

1 computed is a Saturday, Sunday, federal or City holiday, the period shall run until five (5:00)
2 p.m. of the next business day.

3 * * *

4 ~~((D. The Director shall issue a decision within fifteen (15) days after the deadline for~~
5 ~~submittal of additional information. The decision shall be served, posted and filed in the manner~~
6 ~~provided in SMC Section 22.206.220. When the decision affects only a tenant or tenants, the~~
7 ~~Director is not required to file the decision with the King County Department of Records and~~
8 ~~Elections.))~~

10 Section 6. A new section 22.206.235 is added to the Seattle Municipal Code as follows:

11 **22.206.235 Order of the Director.**

13 A. Where review by the Director has been conducted pursuant to Section 22.206.230, the
14 Director shall issue an order of the Director containing the decision within fifteen (15) days of
15 the date that the review is completed. The decision shall be served and posted in the manner
16 provided by 22.206.220.

18 B. Unless a request for review before the Director is made pursuant to Section
19 22.206.230, the notice of violation shall become the order of the Director.

21 C. Because civil actions to enforce Chapter 22.206 are brought in Seattle Municipal Court
22 pursuant to Section 22.206.280, orders of the Director issued under this chapter are not subject to
23 judicial review pursuant to chapter 36.70C RCW.

24 Section 7. Subsections A through G of Section 22.206.280 of the Seattle Municipal
25 Code, which section was last amended by Ordinance 121076, is amended as follows:

26 **22.206.280 Civil enforcement proceedings and penalties ~~((penalty))~~.**

1 In addition to any other remedy that may be available at law or equity, the following are
2 available:

3 A. ~~((In addition to any other sanction or remedial procedure that may be available, and~~
4 ~~except))~~ Except for violations of ~~((SMC))~~ Section 22.206.180, any person violating or failing to
5 comply with any requirement of this Code shall be subject to a cumulative civil penalty in ~~((the))~~
6 an amount ~~((of))~~ not to exceed:

7
8 1. ~~((Fifteen Dollars (\$15.00)))~~ One Hundred Fifty Dollars (\$150.00) per day for
9 each housing unit in violation, and One Hundred Fifty Dollars (\$150.00) per day for violations in
10 the common area or on the premises surrounding the building or structure, from the date the
11 violation begins, for the first ten (10) days of noncompliance; and Five Hundred Dollars
12 (\$500.00) per day for each housing unit in violation, and ~~((Fifteen Dollars (\$15.00)))~~ Five
13 Hundred Dollars (\$500.00) per day for violations in the common area or on the premises
14 surrounding the building or structure, ~~((from the date set for compliance))~~ for each day beyond
15 ten (10) days of noncompliance until ~~((the person complies with the requirements of this Code;~~
16 ~~or))~~ compliance is achieved. In cases where the Director has issued a notice of violation, the
17 violation will be deemed to begin, for purposes of determining the number of days of violation,
18 on the date compliance is required by the notice of violation.

19
20
21 ~~((2- Seventy five Dollars (\$75.00) per day for each building in violation of the~~
22 ~~standards contained in SMC Section 22.206.200, from the date set for compliance until the~~
23 ~~person complies with the requirements of that section.))~~

24
25 2. ~~((3-))~~ One Hundred Dollars (\$100.00) per day from the date a tenant fails to
26 reimburse The City of Seattle for emergency relocation assistance as required by subsection D of
27

1 ((SMC)) Section 22.206.265 until the date the relocation assistance is repaid to The City of
2 Seattle.

3 3. ((4.)) One Hundred Dollars (\$100.00) per day for any person who provides
4 false or misleading information to the Director and as a result of the false or misleading
5 information is paid relocation assistance by the City of Seattle for which the person would not
6 otherwise be eligible, from the date the person receives the emergency relocation assistance until
7 the date the relocation assistance is repaid to The City of Seattle.

8
9 B. Any person who does not comply with an emergency order issued by the Director
10 pursuant to this ((SMC)) Chapter 22.206 shall be subject to a cumulative civil penalty ((in the
11 amount)) of up to ((One Hundred Dollars (\$100.00))) One Thousand Dollars (\$1,000.00) per day
12 from the date set for compliance until the Director certifies that the requirements of the
13 emergency order are fully complied with.

14
15 C. Any property owner who fails to deposit relocation assistance as required by
16 subsections F and G of ((SMC)) Section 22.206.260 shall be subject to a cumulative civil penalty
17 of:
18

19 1. For each tenant with a household income during the preceding twelve (12)
20 months at or below fifty (50) percent of the median family income for whom the property owner
21 did not deposit relocation assistance as required by subsection G of ((SMC)) Section 22.206.260:
22

23 a. Three Thousand Three Hundred Dollars (\$3,300.00), plus

24 b. One Hundred Dollars (\$100.00) per day from the date such deposit by
25 the property owner is required until the date the property owner pays to the
26 City the penalty provided for in subsection C1a; or
27

2. For each tenant with a household income during the preceding twelve (12) months greater than fifty (50) percent of the median family income for whom the property owner did not deposit relocation assistance as required by subsection G of ~~((SMC))~~ Section 22.206.260, One Hundred Dollars (\$100.00) per day from the date such deposit is required until the date on which the relocation assistance required by subsections F and G of ~~((SMC))~~ Section 22.206.260 is deposited with The City of Seattle.

D. ~~((In addition to any other sanction or remedial procedure that may be available, any))~~ Any owner of housing units who violates subsection C6 of ~~((SMC))~~ Section 22.206.160 shall be subject to a civil penalty of not more than Two Thousand Five Hundred Dollars (\$2,500.00).

E. ~~((In addition to any other sanction or remedial procedure that may be available, anyone))~~ Anyone who obstructs, impedes, or interferes with an attempt to inspect a building or premises pursuant to the authority of an inspection warrant issued by any court or an attempt to inspect a housing unit after consent to inspect is given by a tenant of the housing unit shall be subject to a civil penalty of not more than One Thousand Dollars (\$1,000.00).

F. ~~((In addition to any other sanction or remedial procedure that may be available, any))~~ Any person who violates or fails to comply with subsections A5, A6, or A7 of ~~((SMC))~~ Section 22.206.180 shall be subject to a cumulative civil penalty ~~((in an amount not less than One Hundred Dollars (\$100.00) nor more than Three Hundred Dollars (\$300.00)))~~ of up to Five Hundred Dollars (\$500.00) per violation per day. Each day that a separate action or inaction occurs that is a violation of subsections A5, A6 or A7 of ~~((SMC))~~ Section 22.206.180 constitutes a separate violation.

Section 8. Section 22.206.290 of the Seattle Municipal Code, which section was last amended by Ordinance 120302, is amended as follows:

~~((Violations of Sections 22.206.180 A1, 22.206.180 A2, 22.206.180 A3, or 22.206.180 A4 of the Seattle Municipal Code, or of Section 22.206.190 of the Seattle Municipal Code is-))~~ Any person who violates or fails to comply with any of the provisions of this Chapter 22.206 and who has had a civil judgment entered against them for violating Titles 22 or 23 within the past seven (7) years from the date the criminal charge is filed shall upon conviction be guilty of a gross misdemeanor subject to the provisions of Chapter 12A.02 and 12A.04, except that absolute

1 liability shall be imposed for (~~a violation of Sections 22.206.180 A1, 22.206.180 A2,~~
2 ~~22.206.180 A3, 22.206.180 A4, or of Sections 22.206.190 A or 22.206.190 B of the Seattle~~
3 ~~Municipal Code;~~) such a violation or failure to comply, and none of the mental states described
4 in Section 12A.04.030 need be proved. The Director may request the City Attorney prosecute
5 such violations criminally as an alternative to the civil procedure outlined in this chapter.

6
7 ~~((1. Be fined in a sum not exceeding Five Thousand Dollars (\$5,000); and/or~~

8 ~~2. Be imprisoned for a term not exceeding one (1) year.~~

9 ~~B. A fine not to exceed One Thousand Dollars (\$1,000.00) per violation and/or a term of~~
10 ~~imprisonment not exceeding thirty (30) days may be imposed:~~

11 ~~1. For violations of Section 22.206.210;~~

12 ~~2 For violations of Section 22.206.260, where the person charged has had a civil~~
13 ~~judgment under Section 22.206.280 or any of its predecessors rendered against him or her during~~
14 ~~the past five (5) years;~~

15 ~~3. For any pattern of willful, intentional, or bad faith failure or refusal to comply with the~~
16 ~~standards or requirements of this Code.~~

17
18
19 ~~C.))~~ Each day a violation of this title continues and each occurrence of a prohibited
20 activity shall be deemed and considered a separate offense.

21 Section 9. A new section 22.206.315 is added to the Seattle Municipal Code as follows:

22 **22.206.315 Appeal to Superior Court.**

23
24 Final decisions of the Seattle Municipal Court on enforcement actions authorized by this
25 chapter may be appealed pursuant to the Rules for Appeal of Decisions of Courts of Limited
26 Jurisdiction.



1 Section 10. Subsections A and C of Section 22.208.030 of the Seattle Municipal Code,
2 which section was last amended by Ordinance 117861, is amended as follows:

3 **22.208.030 Investigation, notice and hearing.**

4 A. The Director may investigate any building or premises which the director believes to
5 be unfit for human habitation or other use. If the investigation reveals conditions that make the
6 building or premises unfit for human habitation or other use, the Director shall:
7

8 1. Issue a complaint stating the conditions that make the building or premises unfit
9 for human habitation or other use; and

10 2. Serve the complaint by personal service(~~(, registered mail,)~~) or certified mail
11 with return receipt requested, upon all persons who appear on a litigation guarantee from a
12 licensed title insurance company as having any ownership interest in the building or premises;
13 and
14

15 3. Post the complaint in a place on the property conspicuous to persons entering
16 the structure and if practical conspicuous from an abutting public right-of-way.
17

18 * * *

19 C. If the address of the persons appearing on the litigation guarantee identified in
20 ~~((subparagraph))~~ subsection A cannot be ascertained by the Director after a reasonable search,
21 then the Director shall make affidavit to that effect, and the complaint shall be served either by
22 personal service or by mailing a copy of the complaint by first class mail and certified mail,
23 postage prepaid, return receipt requested, to the address appearing on the last equalized tax
24 assessment roll of the County Assessor and to any other address known to the County Assessor.
25 A copy of the complaint shall also be mailed to each person whose address cannot be ascertained,
26
27
28

1 to the address of the building or premises involved in the proceedings. In addition to serving and
2 posting the complaint, the Director shall mail or cause to be delivered to all housing and
3 commercial rental units in the building or on the premises a copy of the complaint.

4 * * *

5 Section 11. Subsection G of Section 22.208.050 of the Seattle Municipal Code, which
6 section was last amended by Ordinance 117861, is amended as follows:

7 **22.208.050 Appeal from order of Director.**

8 * * *

9
10 G. Within fourteen (14) days after the hearing the Hearing Examiner shall issue a written
11 decision containing findings of fact and conclusions and shall mail copies of the decision to the
12 parties of record. The decision of the Hearing Examiner shall be the final decision of the City
13 and shall have the same effect as a decision of the Director issued pursuant to Section
14 ((22.206.230)) 22.206.235. The decision and order of the Hearing Examiner shall be filed by the
15 Director with the King County Department of Records and Elections.
16

17
18 Section 12. Subsections A, B, and C of Section 22.208.150 of the Seattle Municipal
19 Code, which section was last amended by Ordinance 117861, is amended as follows:

20 **22.208.150 Civil enforcement proceedings and penalties.**

21 A. In addition to any other remedy authorized by law or equity, ((Any)) any person failing
22 to comply with an order issued by the Director or Hearing Examiner pursuant to this Chapter
23 shall be subject to a cumulative civil penalty in an amount not to exceed Five Hundred Dollars
24 (\$500) per day from the date set for compliance until the owner or a responsible party requests a
25 reinspection and the Director verifies following reinspection that the property is in compliance.
26
27
28

1 B. Any person violating Section 22.208.130 shall be subject to a civil penalty in the
2 amount of Five Hundred Dollars (\$500).

3 C. The Director shall ~~((notify))~~ request in writing that the City Attorney take enforcement
4 action.~~((in writing of the name of any person subject to a penalty.))~~ The City Attorney shall, with
5 assistance of the Director, take appropriate enforcement action. ~~((to collect the penalty.))~~

6 * * *

7
8 Section 13. Section 22.208.160 of the Seattle Municipal Code, which was last amended
9 by Ordinance 117861, is amended as follows:

10 **22.208.160 Alternative ((Criminal penalties)) criminal penalty.**

11 A. ~~((Anyone))~~ Any person who violates or fails to comply with any of the requirements of
12 this Chapter 22.208 and who has had an Order of Judgment entered against them by a court of
13 competent jurisdiction for violating Titles 22 or 23 within the past seven (7) years from the date
14 the criminal charge is filed ~~((and who within the previous five (5) years has had a civil penalty~~
15 ~~assessed against him or her pursuant to Section 22.208.150 of this Code shall, upon conviction,~~
16 ~~be fined a sum not exceeding Five Thousand Dollars (\$5,000) or imprisoned for a term not~~
17 ~~exceeding one (1) year, or both. Each day that anyone violates or fails to comply with any of the~~
18 ~~foregoing provisions shall be a separate offense.~~

19 B. ~~A fine, not exceeding Five Thousand Dollars (\$5,000) per violation and/or a term of~~
20 ~~imprisonment not exceeding one (1) year may be imposed for any willful, intentional, or bad~~
21 ~~faith failure or refusal to comply with the standards or requirements of this chapter.))~~ shall upon
22 conviction be guilty of a gross misdemeanor subject to the provisions of Chapter 12A.02 and
23 12A.04, except that absolute liability shall be imposed for such a violation or failure to comply

1 and none of the mental states described in Section 12A.04.030 need be proved. The Director
2 may request that the City Attorney prosecute such violations criminally as an alternative to the
3 civil procedure outlined in this chapter. Each day a violation of this title continues and each
4 occurrence of a prohibited activity shall be deemed and considered a separate offense.

5 Section 14. Sections 22.206.300 and 22.206.310 of the Seattle Municipal Code, which
6 were adopted by Ordinance 113545, are repealed in their entirety.

7 Section 15. Chapter 22.207 of the Seattle Municipal Code, which chapter was adopted by
8 Ordinance 119509, is repealed in its entirety.

9 Section 16. This ordinance shall take effect and be in force thirty (30) days from and
10 after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10)
11 days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

12 Passed by the City Council the ____ day of ____, 2007, and signed by me in open
13 session in authentication of its passage this ____ day of ____, 2007.

14
15
16
17
18
19 _____
President _____ of the City Council

20 Approved by me this ____ day of ____, 2007.

21
22
23 _____
Gregory J. Nickels, Mayor

24 Filed by me this ____ day of ____, 2007.

25
26 _____
City Clerk



(Seal)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

March 20, 2007

Honorable Nick Licata
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Licata:

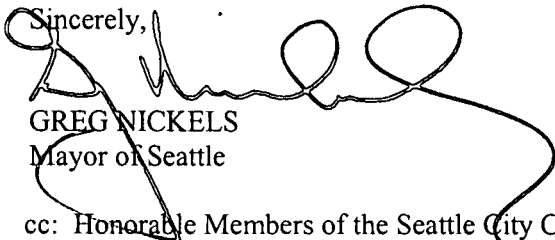
I am transmitting the attached proposed Council Bill that will increase the City's ability to crack down on Seattle landowners who leave their properties in severe disrepair, endangering tenants and causing blight in our neighborhoods. The proposed legislation authorizes administrative changes to the Housing and Building Maintenance Code (HBMC) to improve efficiencies, and increases the civil penalty that can be assessed for Code violations from \$15 per unit a day to up to \$500 per unit per day. This attached legislation is one of three companion Bills intended to strengthen and improve enforcement of the Department of Planning and Development's (DPD's) HBMC, Land Use, and Weeds and Vegetation Codes.

Enforcement of the HBMC is a vital service that helps protect the health and safety of Seattle's residents, and the demand for this service is increasing as reflected in DPD's ever-growing caseloads. These important reforms will bring efficiency to the process of gaining compliance with the City's regulations. In addition, this Bill would allow DPD the option to seek, through the courts, higher monetary penalties – an effective deterrent in DPD's more challenging cases. Passage of this legislation will:

- Expedite Notices of Violation (NOVs) by using first class mail rather than certified mail;
- Streamline the public notice process, relying on technology, making the recording of Notices of Violation (NOVs) with the King County Recorder's Office, optional;
- Restore the NOV process for Minimum Fire and Security Standards; and
- Add options for fines for violations of the HBMC by increasing the cumulative civil penalty from \$15 per unit a day to an upward limit of \$500 per unit a day and toughens the alternative criminal provision.

Passage of this legislation will improve the quality of life in many of our neighborhoods by increasing compliance with the City's HBMC. Thank you for your consideration of this legislation. Should you have questions, please contact DPD Code Compliance Manager Darby N. DuComb at 684-3781.

Sincerely,


GREG NICKELS
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

600 Fourth Avenue, 7th Floor, P.O. Box 94749, Seattle, WA 98124-4749

Tel: (206) 684-4000, TDD: (206) 684-8811 Fax: (206) 684-5360, Email: mayors.office@seattle.gov

An equal employment opportunity, affirmative action employer. Accommodations for people with disabilities provided upon request.



STATE OF WASHINGTON – KING COUNTY

--SS.

211832
CITY OF SEATTLE, CLERKS OFFICE

No.

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

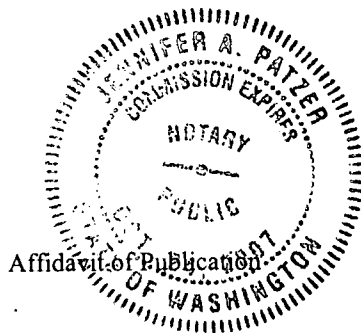
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

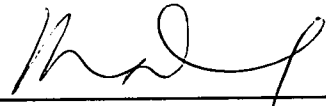
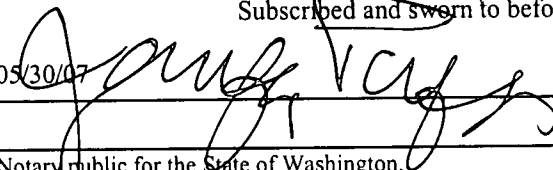
CT:122397 ORDINANCE

was published on

05/30/07

The amount of the fee charged for the foregoing publication is the sum of \$ 884.29, which amount has been paid in full.




Subscribed and sworn to before me on
05/30/07 
Notary public for the State of Washington,
residing in Seattle

City of Seattle

ORDINANCE 122397

AN ORDINANCE relating to Housing and Building Maintenance Code enforcement, amending Sections 22.202.050, 22.206.160, 22.206.200, 22.206.220, 22.206.230, 22.206.280, 22.206.290, 22.208.030, 22.208.050, 22.208.150, 22.208.160 adding new Sections 22.206.235, 22.206.315, and repealing Sections 22.206.300, 22.206.310 and Ch. 22.207 of the Seattle Municipal Code.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subsection F of Section 22.202.050 of the Seattle Municipal Code,

which section was last amended by Ordinance 121076, is amended as follows:

22.202.050 Housing and Abatement Accounting Unit.

F. Fines and penalties collected pursuant to subsections A, B, D, E, F, and G of ((SMG)) Section 22.206.280 ((-SMG Chapter 22.207)) and ((SMG)) Section 22.208.150.

Section 2. Subsection A of Section 22.206.160 of the Seattle Municipal Code, which section was last amended by Ordinance 121408, is amended as follows:

22.206.160 Duties of owners.

A. It shall be the duty of all owners, regardless of any lease provision or other agreement that purports to transfer the owner's responsibilities hereunder to an operator, manager or tenant, to:

1. Remove all garbage, rubbish and other debris from the premises;

2. Secure any building which became vacant against unauthorized entry as required by Section 22.206.200 of this Code;

3. Exterminate insects, rodents and other pests which are a menace to public health, safety or welfare. Compliance with the Director's Rule governing the extermination of pests shall be deemed compliance with this subsection 3;

4. Remove from the building or the premises any article, substance or material imminently hazardous to the health, safety or general welfare of the occupants or the public, or which may substantially contribute to or cause deterioration of the building to such an extent that it may become a threat to the health, safety or general welfare of the occupants or the public;

5. Remove vegetation and debris as required by ((SMG)) Section 10.52.030;

6. Lock or remove all doors and/or lids on furniture used for storage, appliances, and furnaces which are located outside an enclosed, locked building or structure;

7. Maintain the building and equipment in compliance with the minimum standards specified in Sections 22.206.010 through 22.206.140 and in a safe condition, except for maintenance duties specifically imposed in Section 22.206.170 on the tenant of the building; provided that this subsection 7 shall not apply to owner-occupied dwelling units in which no rooms are rented to others;

8. Affix and maintain the street number to the building in a conspicuous place over or near the principal street entrance or entrances or in some other conspicuous place. This provision shall not be construed to require numbers on either appurtenant buildings or other buildings or structures where the Director finds that the numbering is not appropriate. Numbers shall be easily legible, in contrast with the surface upon which they are placed. Figures shall be no less than two (2) inches high;

9. Maintain the building in compliance with the requirements of ((Section 104(d)) Section 3402.1 of the Seattle Building Code;

10. Comply with any emergency order issued by the Department of Planning and Development; and

11. Furnish tenants with keys for the required locks on their respective housing units and building entrance doors.

Section 3. Subsection F of Section 22.206.200 of the Seattle Municipal Code, which section was last amended by Ordinance 120087, is amended as follows:

22.206.200 Minimum standards for vacant buildings.

State of Washington, King County

F. Inspection of Vacant Buildings.

1. When the Director has reason to believe that a building is vacant, the Director may inspect the building and the premises. If the Director identifies a violation of the minimum standards for vacant buildings, a notice of violation ((shall)) may be issued pursuant to ((SMG)) Section 22.206.220. Thereafter the premises shall be inspected quarterly to determine whether the building and its accessory structures are vacant and closed to entry in conformance with the standards of this Code.

2. Quarterly inspections shall cease at the earliest of the following:

a. When the building is repaired pursuant to the requirements of this Code and reoccupied;

b. When the building is repaired pursuant to the requirements of this Code and has subsequently been subject to three (3) consecutive quarterly inspections without further violation; or

c. When the building and any accessory structures have been demolished.

3. A building or structure accessory thereto that remains vacant and open to entry after the closure date in a Director's order or notice of violation is found and declared to be a public nuisance. The Director is hereby authorized to summarily close the building to unauthorized entry. The costs of closure shall be collected from the owner in the manner provided by law.

4. Quarterly inspection charges shall be assessed and collected as a fee under the Permit Fee Ordinance ((SMG)) Chapters 22.900A through 22.900G).

Section 4. Subsections A, C, D, G, and J of Section 22.206.220 of the Seattle Municipal Code, which section was last amended by Ordinance 120087, is amended as follows:

22.206.220 Notice of violation.

A. The Director ((shall)) is authorized to inspect any building or premises which the Director has reason to believe may not be in compliance with the standards and requirements of ((SMG)) Sections 22.206.010 through 22.206.170, and ((SMG)) Section 22.206.200. If the standards and requirements of ((SMG)) Section 22.206.010 through 22.206.120, Sections 22.206.150 through 22.206.170 or of Section 22.206.200 have not been met, the Director ((shall serve)) may issue a notice of violation ((on)) to the owner and/or other person responsible for the violation pursuant to this section. The notice of violation shall:

1. Identify each violation of the standards and requirements of this Code and the corrective action necessary to bring the building and premises into compliance; and

2. Specify a time for compliance.

C. ((After)) If a notice of violation or order has been filed with the King County Department of Records and Elections ((pursuant to SMG Section 22.206.220-3)), a notice of violation or order for the same violation need not be served upon a new owner. If a new notice of violation is not issued and served upon a new owner, the Director shall grant the new owner the same number of days to comply with the notice of violation as was given the previous owner in the notice of violation. The compliance period shall be the number of days between the date of issuance of the notice of violation and the date for compliance stated in the text of the notice. The compliance period for the new owner shall begin on the date that the conveyance is completed.

D. The notice shall be served upon the owner, tenant or other person responsible for the condition by personal service ((registered mail, or certified mail with return receipt requested, or by first class mail to the person's last known address. If the address of the responsible person is unknown and cannot be found after a reasonable search, the notice may be served ((by publishing it once each week for two (2) consecutive weeks in the legal newspaper for the City, and by mailing to the person a copy of the notice or order by first class mail to the last known address, or if unknown, to the address of the property subject to the notice of violation and)) by posting a copy of the notice in a conspicuous place on the property. If a notice of violation is directed to a tenant or other person responsible for the violation who is not the owner, a copy of the notice shall be sent to the owner of the property. Nothing in this section shall be deemed to limit or preclude any action or proceeding to enforce this chapter nor does anything in this section obligate the Director to issue a notice of violation prior to initiation of a civil or criminal enforcement action except as otherwise provided in Director's rules adopted pursuant to SMC chapter 22.202.

G. Nothing herein shall hinder or limit in any manner the Director's authority or ability

to bring an action pursuant to ((SMG)) Chapter 22.208 to abate ((a nuisance)) an unfit building or premise or to issue an emergency order pursuant to ((SMG)) Section 22.206.260.

((J- Unless a request for review by the Director is made in accordance with SMG Section 22.206.230, a notice of violation shall be the decision of the Director. A copy of the notice of violation shall be filed with the King County Department of Records and Elections. The Director is not required to file a copy of the notice of violation if the notice is directed only to a tenant or tenants.))

Section 5. Subsections A and D of Section 22.206.230 of the Seattle Municipal Code, which section was last amended by Ordinance 120087, is amended as follows:

22.206.230 Review by the Director.

A. Any party affected by a notice of violation issued pursuant to ((SMG)) Section 22.206.220 may request a review of the notice by the Director. Such a request must be made in writing within ten (10) days after service of the notice. When the last day of the period so computed is a Saturday, Sunday, federal or City holiday, the period shall run until five (5:00) p.m. of the next business day.

2 of affidavit

((D- The Director shall issue a decision within fifteen (15) days after the deadline for submittal of additional information. The decision shall be served, posted and filed in the manner provided in SMG Section 22.206.220. When the decision affects only a tenant or tenants, the Director is not required to file the decision with the King County Department of Records and Elections.))

Section 6. A new section 22.206.235 is added to the Seattle Municipal Code as follows:

Order of the Director.

A. Where review by the Director has been conducted pursuant to Section 22.206.230, the Director shall issue an order of the Director containing the decision within fifteen (15) days of the date that the review is completed. The decision shall be served and posted in the manner provided by 22.206.220.

B. Unless a request for review before the Director is made pursuant to Section 22.206.230, the notice of violation shall become the order of the Director.

C. Because civil actions to enforce Chapter 22.206 are brought in Seattle Municipal Court pursuant to Section 22.206.280, orders of the Director issued under this chapter are not subject to judicial review pursuant to chapter 36.70C RCW.

Section 7. Subsections A through G of Section 22.206.280 of the Seattle Municipal Code, which section was last amended by Ordinance 121076, is amended as follows:

22.206.280 Civil enforcement proceedings and penalties ((penalty)).

In addition to any other remedy that may be available at law or equity, the following are available:

A. ((In addition to any other sanction or remedial procedure that may be available, and except)) Except for violations of ((SMG)) Section 22.206.180, any person violating or failing to comply with any requirement of this Code shall be subject to a cumulative civil penalty in ((the)) an amount ((of)) not to exceed:

1. ((Fifteen Dollars (\$15.00))) One Hundred Fifty Dollars (\$150.00) per day for each housing unit in violation, and One Hundred Fifty Dollars (\$150.00) per day for violations in the common area or on the premises surrounding the building or structure, from the date the violation begins, for the first ten (10) days of noncompliance, and Five Hundred Dollars (\$500.00) per day for each housing unit in violation, and ((Fifteen Dollars (\$15.00))) Five Hundred Dollars (\$500.00) per day for violations in the common area or on the premises surrounding the building or structure, ((from the date set for compliance)) for each day beyond ten (10) days of noncompliance until ((the person complies with the requirements of this Code; or)) compliance is achieved. In cases where the Director has issued a notice of violation, the violation will be deemed to begin for purposes of determining the number of days of violation, on the date compliance is required by the notice of violation.

((B- Seventy-five Dollars (\$75.00) per day for each building in violation of the standards contained in SMG Section 22.206.200, from the date set for compliance until the person complies with the requirements of that section.))

2. ((B-)) One Hundred Dollars (\$100.00) per day from the date a tenant fails to reimburse The City of Seattle for emergency relocation assistance as required by subsection D of ((SMG)) Section 22.206.265 until the date the relocation assistance is repaid to The City of Seattle.

3. ((C-)) One Hundred Dollars (\$100.00) per day for any person who provides false or misleading information to the Director and as a result of the false or misleading information is paid relocation assistance by the City of Seattle for which the person would not otherwise be eligible, from the date the person receives the emergency relocation assistance until the date the relocation assistance is repaid to The City of Seattle.

B. Any person who does not comply with an emergency order issued by the Director pursuant to this ((SMG)) Chapter 22.206 shall be subject to a cumulative civil penalty ((in the amount)) of up to ((One Hundred Dollars (\$100.00))) One Thousand Dollars (\$1,000.00) per day from the date set for compliance until the Director certifies that the requirements of the emergency order are fully complied with.

C. Any property owner who fails to deposit relocation assistance as required by subsections F and G of ((SMG)) Section 22.206.260 shall be subject to a cumulative civil penalty of:

1. For each tenant with a household income during the preceding twelve (12) months at or below fifty (50) percent of the median family income for whom the property owner did not deposit relocation assistance as required by subsection G of ((SMC)) Section 22.206.260:

a. Three Thousand Three Hundred Dollars (\$3,300.00), plus

b. One Hundred Dollars (\$100.00) per day from the date such deposit by the property owner is required until the date the property owner pays to the City the penalty provided for in subsection C1a; or

2. For each tenant with a household income during the preceding twelve (12) months greater than fifty (50) percent of the median family income for whom the property owner did not deposit relocation assistance as required by subsection G of ((SMC)) Section 22.206.260, One Hundred Dollars (\$100.00) per day from the date such deposit is required until the date on which the relocation assistance required by subsections F and G of ((SMC)) Section 22.206.260 is deposited with The City of Seattle.

D. ((In addition to any other sanction or remedial procedure that may be available, anyone)) Any owner of housing units who violates subsection C6 of ((SMC)) Section 22.206.180 shall be subject to a civil penalty of not more than Two Thousand Five Hundred Dollars (\$2,500.00).

E. ((In addition to any other sanction or remedial procedure that may be available, anyone)) Anyone who obstructs, impedes, or interferes with an attempt to inspect a building or premises pursuant to the authority of an inspection warrant issued by any court or an attempt to inspect a housing unit after consent to inspect is given by a tenant of the housing unit shall be subject to a civil penalty of not more than One Thousand Dollars (\$1,000.00).

F. ((In addition to any other sanction or remedial procedure that may be available, anyone)) Any person who violates or fails to comply with subsections A5, A6, or A7 of ((SMC)) Section 22.206.180 shall be subject to a cumulative civil penalty ((in an amount not less than One Hundred Dollars (\$100.00) nor more than Three Hundred Dollars (\$300.00)) of up to Five Hundred Dollars (\$500.00) per violation per day. Each day that a separate action or inaction occurs that is a violation of subsections A5, A6 or A7 of ((SMC)) Section 22.206.180 constitutes a separate violation.

G. Civil actions to enforce Chapter 22.206 shall be brought exclusively in Seattle Municipal Court, except as otherwise required by law or court rule. The Director shall ((notify)) request in writing that the City Attorney take enforcement action. ((in writing of the name of any person subject to a civil penalty for violations of this Code, except that for violations of SMC Section 22.206.180, the Chief of Police shall notify the City Attorney.)) The City Attorney shall, with the assistance of the Director, take appropriate action to enforce Chapter 22.206. ((collect the penalty.)) In any civil action filed pursuant to this chapter ((for a penalty)), the City has the burden of proving by a preponderance of the evidence that a violation exists or existed, ((and, for violations of sections other than SMC Section 22.206.180, that the violation was not corrected by the date established by the Director in a notice, order or decision.)) The issuance of a notice of violation or an order following a review by the Director is not itself evidence that a violation exists.

Section 8. Section 22.206.290 of the Seattle Municipal Code, which section was last amended by Ordinance 120302, is amended as follows:

22.206.290 Alternative ((Criminal penalties)) criminal penalty.

((Violations of Sections 22.206.180 A1, 22.206.180 A2, 22.206.180 A3, or 22.206.180 A4 of the Seattle Municipal Code, or of Section 22.206.190 of the Seattle Municipal Code is)) Any person who violates or fails to comply with any of the provisions of this Chapter 22.206 and who has had an order of judgment entered against them for violating Titles 22 or 23 within the past seven (7) years from the date the criminal charge is filed shall upon conviction be guilty of a gross misdemeanor subject to the provisions of Chapter 12A.02 and 12A.04, except that absolute liability shall be imposed for ((a violation of Sections 22.206.180 A1-22.206.180 A2, 22.206.180 A3, 22.206.180 A4, or of Sections 22.206.190 A or 22.206.190 B of the Seattle Municipal Code.)) such a violation or failure to comply, and none of the mental states described in Section 12A.04.030 need be proved. The Director may request that the City Attorney prosecute such violations criminally as an alternative to the civil procedure outlined in this chapter.

((No person other than he or she who commits the act will be found guilty without a finding in accord with SMC Section 12A.04.180 B1 or SMC Section 12A.04.190 B6-Violators shall, upon conviction:

1- Be fined in a sum not exceeding Five Thousand Dollars (\$5,000); and/or

2- Be imprisoned for a term not exceeding one (1) year.

B- A fine not to exceed One Thousand Dollars (\$1,000.00) per violation and/or a term of imprisonment not exceeding thirty (30) days may be imposed:

1- For violations of Section 22.206.210;

2- For violations of Section 22.206.260; where the person charged has had a civil judgment under Section 22.206.280 or any of its predecessors rendered against him or her during the past five (5) years;

3- For any pattern of willful, intentional, or bad-faith failure or refusal to comply with the standards or requirements of this Code:

G-)) Each day a violation of this title continues and each occurrence of a prohibited activity shall be deemed and considered a separate offense.

Section 9. A new section 22.206.315 is added to the Seattle Municipal Code as follows:

22.206.315 Appeal to Superior Court.

Final decisions of the Seattle Municipal Court on enforcement actions authorized by this chapter may be appealed pursuant to the Rules for Appeal of Decisions of Courts of Limited Jurisdiction.

Section 10. Subsections A and C of Section 22.208.030 of the Seattle Municipal Code, which section was last amended by Ordinance 117861, is amended as follows:

22.208.030 Investigation, notice and hearing.

A. The Director may investigate any building or premises which the director believes to be unfit for human habitation or other use. If the investigation reveals conditions that make the building or premises unfit for human habitation or other use, the Director shall:

1. Issue a complaint stating the conditions that make the building or premises unfit for human habitation or other use; and

2. Serve the complaint by personal service ((registered mail)) or certified mail with return receipt requested, upon all persons who appear on a litigation guarantee from a licensed title insurance company as having any ownership interest in the building or premises; and

3. Post the complaint in a place on the property conspicuous to persons entering the structure and if practical conspicuous from an abutting public right-of-way.

C. If the address of the persons appearing on the litigation guarantee identified in ((subparagraph)) subsection A cannot be ascertained by the Director after a reasonable search, then the Director shall make affidavit to that effect, and the complaint shall be served either by personal service or by mailing a copy of the complaint by first class mail and certified mail, postage prepaid, return receipt requested, to the address appearing on the last equalized tax assessment roll of the County Assessor and to any other address known to the County Assessor. A copy of the complaint shall also be mailed to each person whose address cannot be ascertained, to the address of the building or premises involved in the proceedings. In addition to serving and posting the complaint, the Director shall mail or cause to be delivered to all housing and commercial rental units in the building or on the premises a copy of the complaint.

Section 11. Subsection G of Section 22.208.050 of the Seattle Municipal Code, which section was last amended by Ordinance 117861, is amended as follows:

22.208.050 Appeal from order of Director.

G. Within fourteen (14) days after the hearing the Hearing Examiner shall issue a written decision containing findings of fact and conclusions and shall mail copies of the decision to the parties of record. The decision of the Hearing Examiner shall be the final decision of the City and shall have the same effect as a decision of the Director issued pursuant to Section ((22.206.280)) 22.206.235. The decision and order of the Hearing Examiner shall be filed by the Director with the King County Department of Records and Elections.

Section 12. Subsections A, B, and C of Section 22.208.150 of the Seattle Municipal Code, which section was last amended by Ordinance 117861, is amended as follows:

22.208.150 Civil enforcement proceedings and penalties.

A. In addition to any other remedy authorized by law or equity, ((Any)) any person failing to comply with an order issued by the Director or Hearing Examiner pursuant to this Chapter shall be subject to a cumulative civil penalty in an amount not to exceed Five Hundred Dollars (\$500) per day from the date set for compliance until the owner or a responsible party requests a reinspection and the Director verifies following reinspection that the property is in compliance.

B. Any person violating Section 22.208.130 shall be subject to a civil penalty in the amount of Five Hundred Dollars (\$500).

C. The Director shall ((notify)) request in writing that the City Attorney take enforcement action. ((in writing of the name of any person subject to a penalty.)) The City Attorney shall, with assistance of the Director, take appropriate enforcement action, ((to collect the penalty.))

Section 13. Section 22.208.160 of the Seattle Municipal Code, which was last amended by Ordinance 117861, is amended as follows:

22.208.160 Alternative ((Criminal penalties)) criminal penalty.

A. ((Anyone)) Any person who violates or fails to comply with any of the requirements of this Chapter 22.208 and who has had an Order of Judgment entered against them by a court of competent jurisdiction for violating Titles 22 or 23 within the past seven (7) years from the date the criminal charge is filed ((and who within the previous five (5) years has had a civil penalty assessed against him or her pursuant to Section 22.208.150 of this Code shall, upon conviction, be fined a sum not exceeding Five Thousand Dollars (\$5,000) or imprisoned for a term not exceeding one (1) year, or both. Each day that any one violates or fails to comply with any of the foregoing provisions shall be a separate offense.

B- A fine, not exceeding Five Thousand Dollars (\$5,000) per violation and/or a term of imprisonment not exceeding one (1) year may be imposed for any willful, intentional, or bad-faith failure or refusal to comply with the standards or requirements of this chapter.)) shall upon conviction be guilty of a gross misdemeanor subject to the provisions of Chapter 12A.02 and 12A.04, except that absolute liability shall be imposed for such a violation or failure to comply and none of the mental states described in Section 12A.04.030 need be proved. The Director may request that the City Attorney prosecute such violations criminally as an alternative to the civil procedure outlined in this chapter. Each day a violation of this title continues and each occurrence of a prohibited activity shall be deemed and considered a separate offense.

Section 14. Sections 22.206.300 and 22.206.310 of the Seattle Municipal Code, which were adopted by Ordinance 113545, are repealed in their entirety.

Section 15. Chapter 22.207 of the Seattle Municipal Code, which chapter was adopted by Ordinance 119509, is repealed in its entirety.

Section 16. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 14th day of May, 2007, and signed by me in open session in authentication of its passage this 14th day of May, 2007.

Nick Licata

President of the City Council

Approved by me this 23rd day of May, 2007.

Gregory J. Nickels, Mayor

Filed by me this 23rd day of May, 2007.

(Seal) Judith Pippin

City Clerk

Publication ordered by JUDITH PIPPIN, City Clerk

Date of publication in the Seattle Daily Journal of Commerce, May 30, 2007.

5/30(211832)